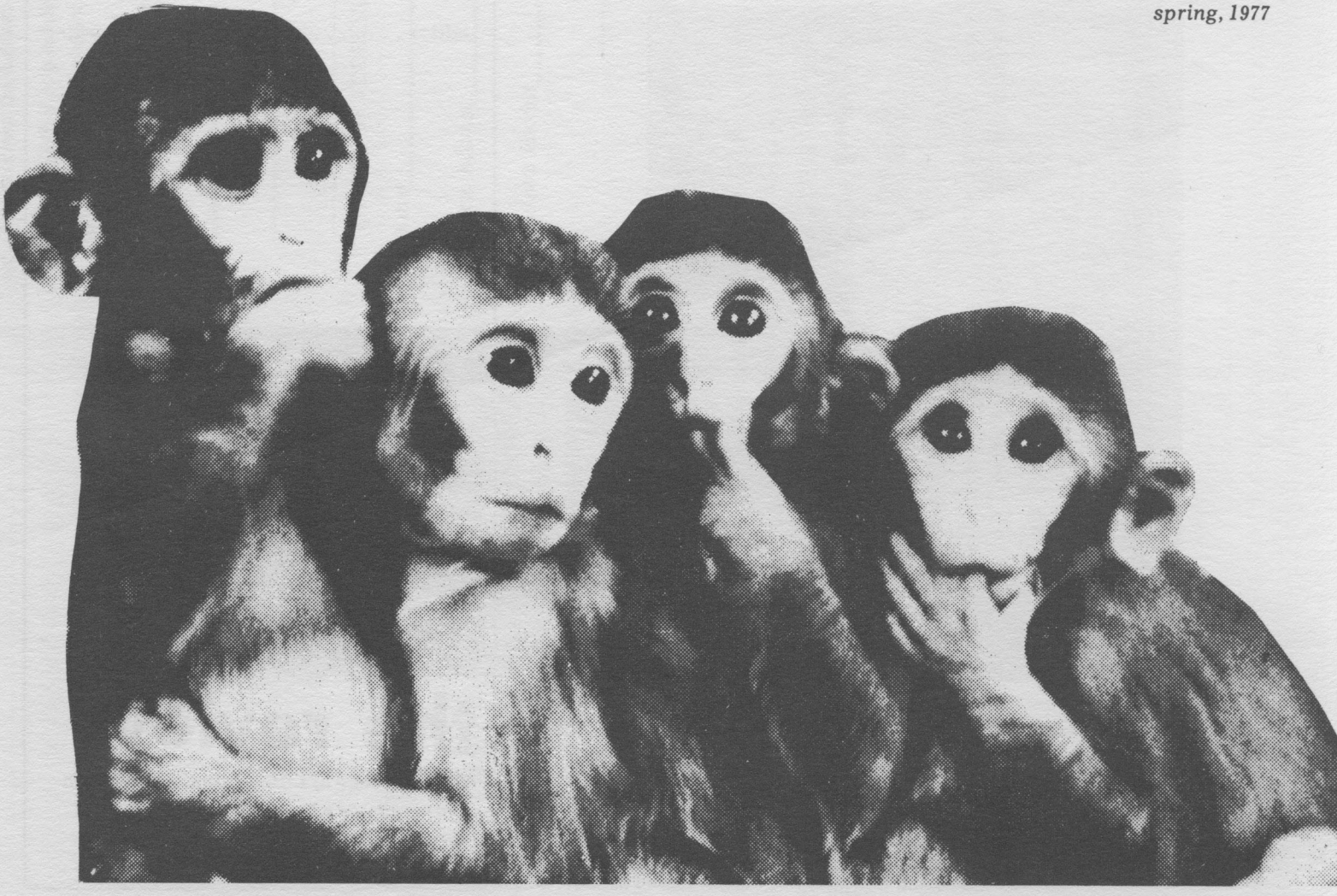
The Changing Face of the Consumer Protection Movement

the review

of the College of Law Alumni Association
University of Kentucky, Inc.
spring, 1977



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Editor . . . . . Betsy Browning

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Class of 1951 Reunion

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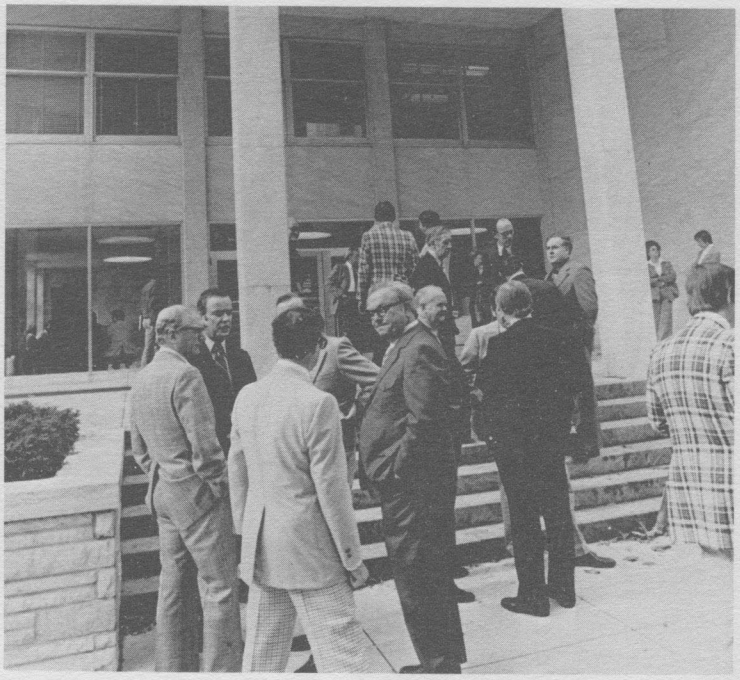
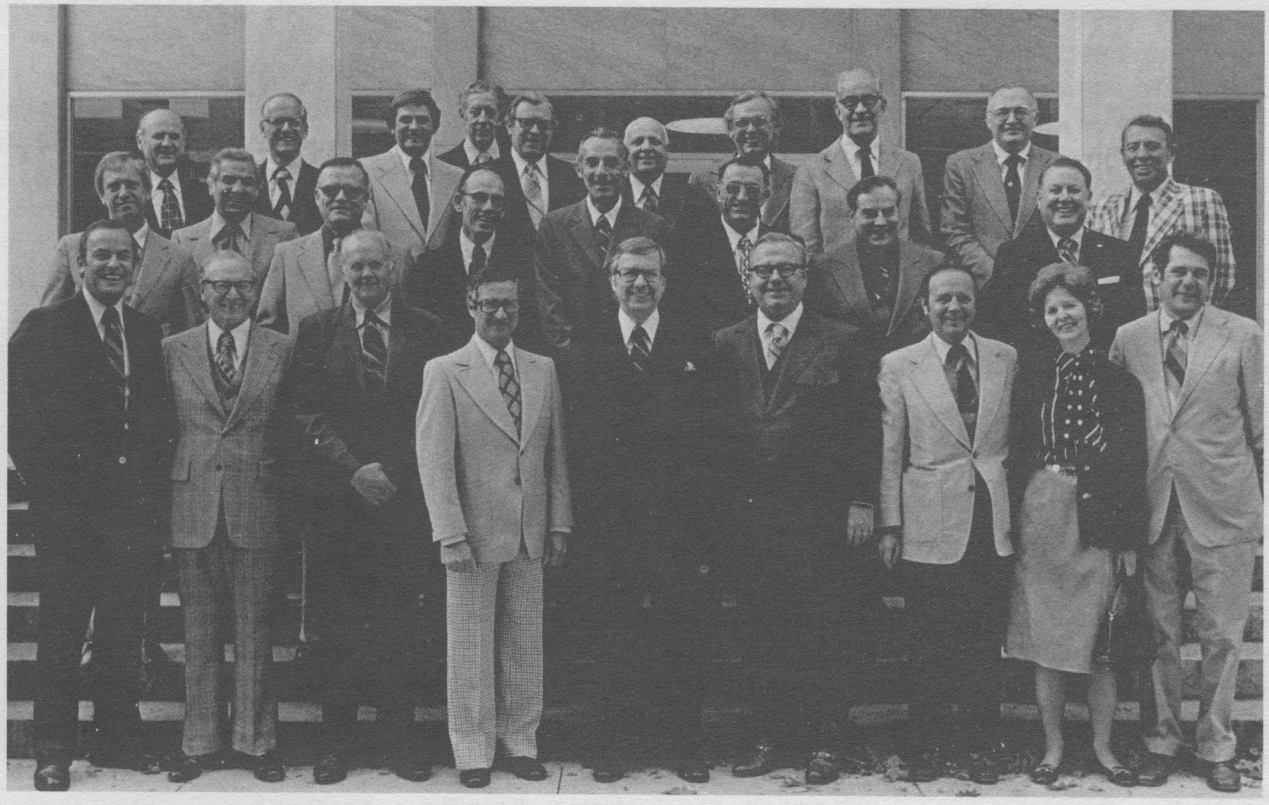




Bottom row from left: Attorney General Robert Stephens, Harold Streets, John Welch, Arloe Mayne, Thomas Givhan, Everett Burton, James Marcum, Betty Spragens Griffin, Herbert Liebman.

Second row: Dean Thomas P. Lewis, Willie Deep, Robert Pearce, Professor Charles Gromley, Melvin Duke, Guy Duerson, Judge John Diskin, John Sublett.

Third row: Dee Akers, Robert Ruberg, Frank Benton III, Professor Fred Whiteside, Judge Thomas Spain, Professor Wilburt Ham, Fred Nichols, Professor Paul Oberst, Chad Perry III, Richard Robertson.

alumni report

Robert F. Stephens, '51 Attorney General, Commonwealth of Kentucky, presenting the memorial gift from the class of 1951 to former Dean W. L. Mathews, joined by the families of Marshall McCann, Rodney Thompson, and James Marks.

Class of 1951 Reunion

The University of Kentucky College of Law class of 1951 held a twenty-fifth reunion in the College of Law building on October 16, 1976. The bright blue October day—and the afternoon football game—drew a fine crowd.

The class presented a handsome memorial gift to the College of Law in honor of:

Marshall McCann
Rodney Thompson
James Marks

Dean Lewis thanked the class on behalf of the College of Law.

Since this reunion was so successful, we invite other groups and classes to plan a similar get-together.

• • •

The annual meeting and banquet of the College of Law Alumni Association, Inc., will be held on May 12, 1977 during the annual meeting of the Kentucky Bar Association in Louisville. All alumni are invited. A courtesy cocktail hour will begin at 6:00 p.m., dinner will be at 7:00, and the meeting at 8:30. A formal invitation and reservation form will be mailed to all alumni in March, but note this event on your calendar now, and plan to attend:

Annual Alumni Meeting and Banquet
Canterbury Room
Executive Inn Motor Hotel
Watterson Expressway at the Fairgrounds
Louisville, Kentucky
May 12, 1977

• • •

The Class of 1952 will be holding its 25th Reunion at the May meeting of the Kentucky Bar Association in Louisville. Plans are still incomplete, but a letter and reservation form will be mailed soon. For further information, contact Charles Adams, P.O. Box 35, Somerset, Kentucky 42501 or Bill McCann, 300 W. Short St., Lexington, Kentucky 40507.

Members of any other classes wishing assistance with reunion planning, including the use of current address lists or the College's mailing facilities, should contact the Dean's office.

Russell L. Croley, Jr. '76 is a partner in Shewmaker and Croley in Central City.

Bruce Justin Ferriell '76 is in solo practice in Elizabethtown.

Richard A. Getty '74 formerly of Clafee, Halter and Griswold in Cleveland, now practices with Greenebaum, Doll, Matthews and Boone in Louisville.

John G. Heyburn II '76 is now associated with Brown, Todd and Heyburn in Louisville.

Harry M. Snyder, Jr., '66 has been named Executive Director of the Kentucky Council on Public Higher Education on October 13. He was on the Council's staff for three years as Assistant Director and Legal Counsel.

Richard W. Spears '61 has been appointed a vice president of Ashland Oil, Inc., with responsibilities for the legal staff. He had been deputy general counsel.

James A. Zerhusen '75 is a captain in the Judge Advocate General Corps at Fort Riley, Kansas.

Four UK Students Receive Scholarships

Four UK law students received $500 scholarships from the Ashland Oil Foundation in a brief ceremony in Lexington last November. Accepting the checks from Paul Blazer, right, chairman of the Foundation's board, are, from left, Kent Royalty, Danville; Ferrell Adkins, Salyersville; Maurice Byrd, Harlan, and Greg Lunn, Erlanger. The Foundation began the scholarship program in 1975 with presentations to Byrd and Lunn and increased the number of recipients this year.

IN MEMORIAM . . .
Earle M. Nichols '26
D. Fredrick Saunders '65

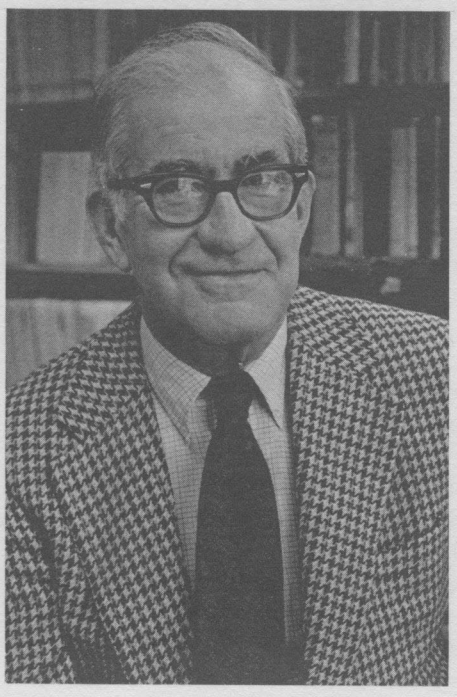
faculty report

JOHN W. LEATHERS will spend next year as Visiting Associate Professor, University of Oklahoma Law School, Norman, Oklahoma.

ROBERT SEDLER has resigned from the U.K. College of Law faculty, and will become a full Professor at Wayne State University law school in Detroit, Michigan.

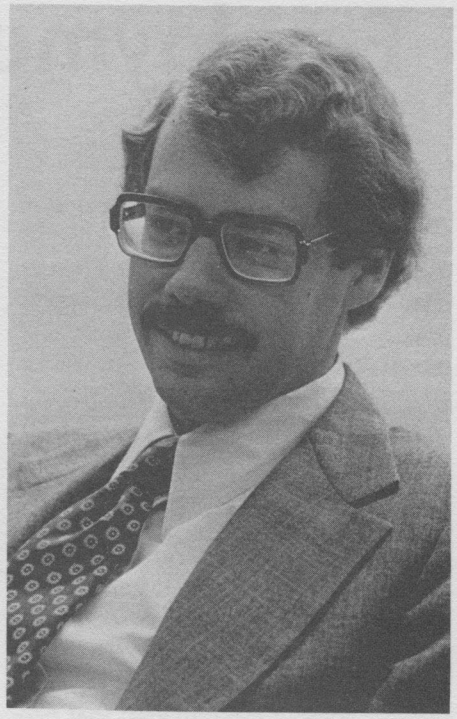
CARROLL D. STEVENS, is a graduate of Georgetown College. He spent two years on Georgetown's administrative staff. A native of Owensboro, Kentucky, he served as an assistant to the Deputy Secretary for Legal Affairs in the Kentucky Department of Transportation, and later as a trial attorney for that agency. A 1976 graduate of the College of Law, he was named as Special Assistant to the Dean, where he will be working to implement new services in the areas of Alumni Relations, College Development, and placement of graduates.

PAUL OBERST was honored in December when the state conference of the American Association of University Professors awarded its first annual award for contributions to academic freedom to Prof. Oberst. "We gave the award to Paul for the 30 years he has served academic freedom in Kentucky.



Whenever anyone in the state has a problem, they call him and he helps them, and he's done it all on his own," said Dr. Helen Irvin, a Transylvania University English professor and the AAUP's former state president. Prof. Oberst, who has been a member of this faculty for 30 years, said he believes that professors should have the freedom to express their views without being penalized for them. "University faculties should be free to say what they believe and teach what they believe on the basis of their research and knowledge. It is important for the health of the nation." Prof. Oberst succeeds Dr. Irvin as state president of the AAUP. He has also been elected Chairman-Elect of the Section on Constitutional Law of the Association of American Law Schools for 1977, and will succeed Prof. George D. Haimbaugh, Jr. of the University of South Carolina Law School as Chairman for 1978 and 1979. The section has a membership of over 500 teachers of Constitutional Law in American law schools. Professor Oberst also appeared on Kentucky Educational Television on January 28 called "Civil Rights in Kentucky" in the "Comment on Kentucky" series, with Galen Martin, Executive Director of the Kentucky Commission on Human Rights and John Filiatreau, Courier-Journal reporter, who has written extensively on prisoners' problems in Kentucky. Al Smith, Russellville newspaper publisher, is the host for the weekly panel.

RICHARD C. AUSNESS recently published "Legal Institutions for the Allocation of Water and Their Impact on Coal Conversion Operations in Kentucky", *U.K. Water Resources Institute Pub. No. 95* (August, 1976). He is coauthoring a water law treatise with Frank E. Maloney of the University of Florida and Sheldon J. Plager of the University of Illinois. This work will be funded by a grant from the Office of Water Research and Technology, U.S. Department of Interior. Prof. Ausness also authored the section on Torts in the *Kentucky Law Survey*, 64 *Ky. L.J.* 201 (1975).



ROBERT SCHWEMM has been appointed to the permanent faculty as Assistant Professor. He was the featured speaker at the American Bar Association's seminar on fair housing law in Washington, D.C. in May, 1976, and was voted Outstanding Professor of the Year by the Student Bar Association of the U.K. College of Law. He has been attorney for the plaintiffs in *Arlington Heights v. Metropolitan Housing Development Corp.*, an exclusionary zoning case which was argued before the United States Supreme Court in October, 1976.

HAROLD R. WEINBERG will publish an article entitled *Secured Creditor's Right to Sue Third Persons for Damage to or Defects in Collateral* during the fall or early winter in the *Commercial Law Journal;* another article entitled *Toward Maximum Facilitation of Intent to Create Enforceable Article Nine Security Interests* will appear dur-

Continued on page 14

ADDRESS CHANGES, ALUMNI NEWS?

Send Announcements to: Editor, THE REVIEW, College of Law Building, Lexington, Kentucky 40506.

class of '76

Employment Outlook: Excellent

By Margaret Kannensohn

Employment predictions would soon have the young lawyer standing in the unemployment line behind the Ph.D or pumping gas along with the nuclear physicist. Depending on the source of the statistics, the long-range outlook for law school graduates is bleak, bleaker, or hopeless.

For the 154 recent (August 1975 - May 1976) UK graduates for whom the future began last year, however, employment in the legal profession posed no problem. As of last October, only one graduate was known to be unemployed, according to Carroll D. Stevens, Assistant to the Dean. And if no news really is good, it is likely even that person now is working.

Of those employed, Stevens said, only two are in non-legal positions, one as a bank officer and one who serves as a caseworker at a correctional institution. A few, who were accountants before entering law school, returned to that field.

The majority cover the spectrum of legal employment possibilities, with private firms accounting for 48 per cent, followed by state and local governmental positions with 24 per cent. Twelve per cent of the class are serving in judicial—both federal and state—clerkships; 10 per cent are in corporate legal positions, and five per cent are with the Federal Government.

Of those employed by the Federal Government, three are working in patent and trademark law, three are with the Justice Department, and one is clerking for a tax court judge. State government positions, Stevens said, cover just about every agency except Revenue.

Although UK has traditionally sent a small but steady number of new graduates each year to further study at law schools such as Harvard and Columbia, Stevens said, this year's class opted for the job market rather than the advanced law degree.

The majority of the class remained in Kentucky, but those who left have spread across the nation. California, Florida, Massachussetts, North Carolina, New Jersey, New York, Ohio, Oklahoma, and West Virginia each received one UK law graduate. One is stationed with the U.S. Army's Judge Advocate General Corps in Guam. Of the remainder, two are employed in Texas, three in Pennsylvania, and seven are in Washington, D.C.

Although these recent graduates are now settled in their first jobs, current projections would indicate that those presently in school and those yet to come might have a harder time of it.

Looking to the future, the College of Law is already beginning to face that unpleasant possibility head-on by increasing the emphasis on placement services. Stevens—himself a May '76 graduate who was involved in college administrative work before entering law school—was recently hired to aid in student placement services as a part of his duties.

Generally, he pointed out, UK law graduates have had few problems with finding permanent legal employment, but the emphasis of the new placement service will be on assuring graduates are both aware of employment possibilities and satisfied with the decision they make.

An essentially three-pronged program is planned in this area, Stevens said, as a way of fulfilling Dean Thomas P. Lewis' goal of increased services to the law school's publics. The total program is geared toward guiding a better-prepared student toward the prospective employer, who in turn will be better served by the law school program.

The first part of the program would include counselling for the student throughout his educational process. Most law students, Stevens said, enter school directly from undergraduate studies with little work experience, legal or otherwise. For them, as well as for the student who has had prior experience, a combination of workshops and counselling would increase awareness of the spectrum of legal employment opportunities.

The second aspect of the program will be an increased effort to bolster summer employment opportunities for students, an area in which UK has not been consistently strong. The summer between the second and third years of law study is a crucial one for lining up employment prospects. Many firms, Stevens noted, are using this clerkship to evaluate and chose prospective employees. "By placing more students in summer jobs, both the student and the employer would benefit from the process," he said.

The final point in the program will be aid in actual placement for graduates. To fulfill UK's goal of serving as Kentucky's top law school, Stevens said, emphasis naturally will be on meeting the state's legal needs. But for those graduates who do wish to leave (about 25 per cent of UK's law alumni practice outside Kentucky), the placement service will provide services for nationwide employment opportunities.

Summer Clerks

Firms and corporations who use law students as summer clerks find that they get valuable legal expertise and provide useful practical experience to the student. The calibre of our law students is outstanding. If your firm could use some summer clerks—or if you are considering hiring as associate—interview at UK. Contact the Dean's office for details and assistance.

Spring Report

By Dean Thomas P. Lewis

We are well past the halfway mark of this academic year. The intervening period since I reported in July has been a busy one for me, but in the life of an academic institution that period of time is but a moment. I can report to you a number of incremental developments towards the completion of projects, but no completed projects.

Certainly, one of the most important developments is the appointment last November of Carroll D. Stevens '76 as Special Assistant to the Dean for Placement and Alumni Relations. As you will learn from other pages of this issue of the Review, we are at the launching pad with our College of Law Fund. Carroll Stevens has been enormously helpful in bringing us to this point. But "alumni relations" does not translate simply into "fund raising." Alumni relations means the cultivation of good and enduring relations between the College and its alumni. It means the greater involvement of alumni in the life of the school. It means maintaining the lines of communication between the College and its alumni. Carroll will be contributing to all of these efforts. He has also brought added energy and enthusiasm to our placement efforts. Placement has been one of perhaps twenty different responsibilities of Assistant Dean Paul VanBooven '76. Paul has done an extraordinary job with placement (I have come to think of this as "normal" with respect to all of Paul's endeavors), but he needed relief from this as a primary responsibility.

We have made substantial progress on our building addition project. But we are for the moment hung up on a difference between the estimated cost of the architect's tentative approach to the design of an addition and the amount of money made available by the University for an addition. Alternative design approaches to the project will have to be considered before we can determine whether it will be possible to secure an adequate addition with the money available. I feel some sense of urgency about this project, for—while its overriding purpose is to provide additional library space—the fact is that we are short of office space to house all of our faculty, if we are up to the strength authorized prior to my becoming Dean and all of the faculty are here at one time.

We will add at least two new faculty members for the 1977-78 term (not an increase in total personnel because of an existing vacancy and a resignation) and I am very pleased to report that our leading candidates accepted offers of appointment to the faculty. This process was completed in just the last day or so, and we will provide a full description of our new faculty members in the next issue of the Review.

A few days ago I attended the Annual "Dean's Workshop", a gathering that is organized in conjunction with the mid-year meeting of the ABA, and attended by almost all of the law school deans in the country. The workshop provides a valuable experience, for it enables a dean to compare and relate his school's progress and problems with those of other schools. Various statistics are complied from questionnaires circulated earlier and designed, in part, to provide a foundation for workshop discussions. At this particular workshop, a series of instant surveys was made of a variety of problems during discussion periods, and through all of these surveys and informal exchanges of information, perspective can be gained for an appraisal of a particular school's relative status. The workshop confirmed one fact that I suspected was true: most of the problems which we as a College, or I as dean, see in our school are rather common to most schools. Our concerns and aspirations are broadly shared by our counterparts in other parts of the country.

In general statistical comparisons, we

frequently find ourselves approximately at the median level, and thus I suppose it is fair to conclude that we are in the mainstream of legal education. In certain very important areas we do not compare as favorably as we should, and I hope in future issues of The Review to discuss more specifically with you those parts of our program that I think we should try to strengthen.

During this past fall I enjoyed very much traveling to various parts of the State to meet alumni and members of local bar associations. Fred Nichols '51 hosted a gathering of attorneys from the Madisonville area in October, and during November the Adams—Charles '52 and Norma '53—hosted a party in Somerset, for members of the Somerset and surrounding bar associations. Also in November, I went to Jenny Wiley State Park, at the invitation of the Pike County Bar Association, to meet with alumni and other members of the Pike and surrounding county bar associations. I missed a meeting of the regional bar in Ashland recently, due to weather, but I hope to be invited back again soon. I plan, during the coming semester, to meet with alumni and bar members in the Frankfort area. I also look forward to meeting old friends in Frankfort and Bowling Green during this semester. I welcome these opportunities and I especially appreciate the efforts of those who make such meetings possible.

May It Please the Court . . .

The judges in this sequence are the Moot Court Board officers. Left to right, they are: Peggy S. Horner, Secretary-Treasurer; Foster Ockerman, Jr., President; and Jon Pancake, Vice President. Advocates are first-year students Sylvia Lovely (left) and Harvie Wilkinson (right).

By Bruce W. Singleton

"I'd like to take you back to the afternoon of the fourth of July, 1975, when the action started . . ."

THE COURT: "Counsellor, this court would like to remind you that this is not 'Petrocelli' and we don't need to be taken back to the afternoon of the fourth of July."

I can't believe it. There goes three minutes of my argument down the drain. I've lived, slept, read, and written about these fictitious plaintiffs since October. And the Court isn't interested in listening to this brilliant padding I'm trying to put in?

"Very well, your honor. If it please the court, I'll proceed to the question of jurisdiction."

The first-year Moot Court program is designed to acquaint the future lawyer with the mechanics of the appeals process in the United States. It begins in October with a set of plaintiffs and a fact situation that will knock your eyes out.

My fact situation read as follows: a little girl was playing in the street and got hit by a car. Her brother got out of the way in time to keep from getting hit, her mother watched the accident from a short distance away, and her father, who was in the house, arrived just in time to see the results.

As a result of this accident, the little girl was able to recover a large amount of money from the driver's insurance company. When she won the case, her brother, father, and mother suddenly became plagued with "mental distress" They decided their injuries were worth over a million dollars.

It's funny how one's objectivity and lack of bias can be influenced by the thought of money. We were supposed to play the game and pretend these were real people asking for real cash. And I figured my fee should be roughly one-third off the top. Now, with my imagination running wild and spending that money I was going to win for the pitiful O'Reilly's, I began.

THE COURT: "You may continued Counsellor . . .Counsellor, the Court is ready for you to continue with your argument."

"Er . . . If it please the court," (it never hurts to say, "If it please the court," no matter how many times you say it.) "Petitioners contend that the dismissal of their case based on such anachronistic laws is totally inconsistent with the present state of the law. The State of Anywhere should join with the overwhelming majority of jurisdictions that allow recovery for negligently-inflicted mental distress."

By this time, roughly 15 minutes into my 20-minute dialog, I realized the Honorable Chief Justice was having trouble keeping his eyes open. A nudge in the ribs from the judge to his left brought him to life.

CHIEF JUSTICE: "Ahem, er, yes, er . . . Counsellor, suppose you tell this court your theory on why we should overturn the judgment of the lower court. Upon what theory can we base our opinion?"

This was the moment I had waited for. I painted a tapestry of law and mental distress. I told them how there is more knowledge of nervous disorders now than there were in 1880, when the present law against recovery was made. I talked about the poor O'Reilly's and their injuries. My voice cracked with emotion as my remaining five minutes dwindled, and then came the final, "I thank you."

With the oral arguments over, I have returned to the real world. I am, however, still trying to decide what to do with my share of that million-dollar lawsuit.

Conversation with Foster Ockerman, Jr., President, UK Moot Court Board

There are basically three purposes of the second year Moot Court program. The primary purpose is the experience in oral advocacy training. As a corollary to that, what the second year student learns in the program, he is able to take one step further and, in a sense, teach the first year students in their writing program. Then the third aspect is the continuing competition among the second year students which eventually results in the selection of two teams which represent the law school in intercollegiate competition.

The actual order of the second year program, which is, of course, an optional program is that the second year students who sign up for the program are given a copy of the national moot court problem around the end of September. Teams are chosen, and they are given from a month to a month and a half to prepare their briefs and oral arguments.

The first round of competition is judged by the third year members of the moot court board. And the top 24 competitors, based on these scores, are invited to join the moot court board.

Beginning in January, the new members of the board begin doing two different things. One, they continue in their competition with a second round judged by the national teams. A third round is judged by selected faculty members familiar with the topic area, and then the final round is judged by the Kentucky Supreme Court. It is in that final round that the first team is chosen. At the same time, the second-year members are assigned to first-year writing clubs, where they assist the third year moot court advisor and the faculty member.

Three years ago, we sent one of our teams to the national competition, and in the last two years, our teams have come within two to five points of getting out of the region. Over the long haul, I think this shows a consistently high quality of participation.

In addition to the regional competition, the Law Student Division of the American Bar Association is sponsoring a parallel competition, based on federal circuits for the first steps, then on to a national competition. We'll be sending a team or teams to that competition, and because it's new this year, we don't know how that team will be chosen.

One of the problems with the moot court program is a shortage of funds. For example, several schools in the country hold moot court tournaments each year, but the ones we receive notifications about are almost without exception too far away for us to get to and compete. So unless a school that's in Kentucky or borders on Kentucky has competition, we just can't go. So we're limited to the two competitions a year, though we consistently do well in

Continued on page 20

BRUCE W. SINGLETON

When the scientists who developed the Viking space probe began their search for life on Mars, they had to ask a very big question: "How will we know if it's alive when we find it?" They designed the probe to perform three experiemnts, involving the absorption of radioactivity or food and measured what was given off. The determination the scientists made, in short, was that if it's alive, it'll be a consumer.

This concept applies whether on Mars or in Lexington: to live is to consume. But to jump from the very simple experiments with Martian soil absorbing nutrients to the American public absorbing billions of dollars' worth of "consumer goods" each year requires a very different notion of the meaning of "consumer."

In a generation, ours has become a consumer economy; in a decade, our laws have moved to consumer protection. Never before was the government so sensitive to the needs and even desires of the consumer. And the consumer, too, has become aware of his place in society.

There was once a saying, "Don't laugh at the consumer, she's your wife." Today, the adage must be changed to "We have met the consumer and he is us." It has become everyone's business to carefully scrutinize what the producers give us. From cars to toilet tissue, from makeup to soft drinks, the purity and safety of a product must meet certain expectations. If the product does not measure up, at least two alternatives are available. Either the consumer will stop buying the product, and thus force improvements, or the law will be brought to bear and perhaps a more drastic remedy achieved.

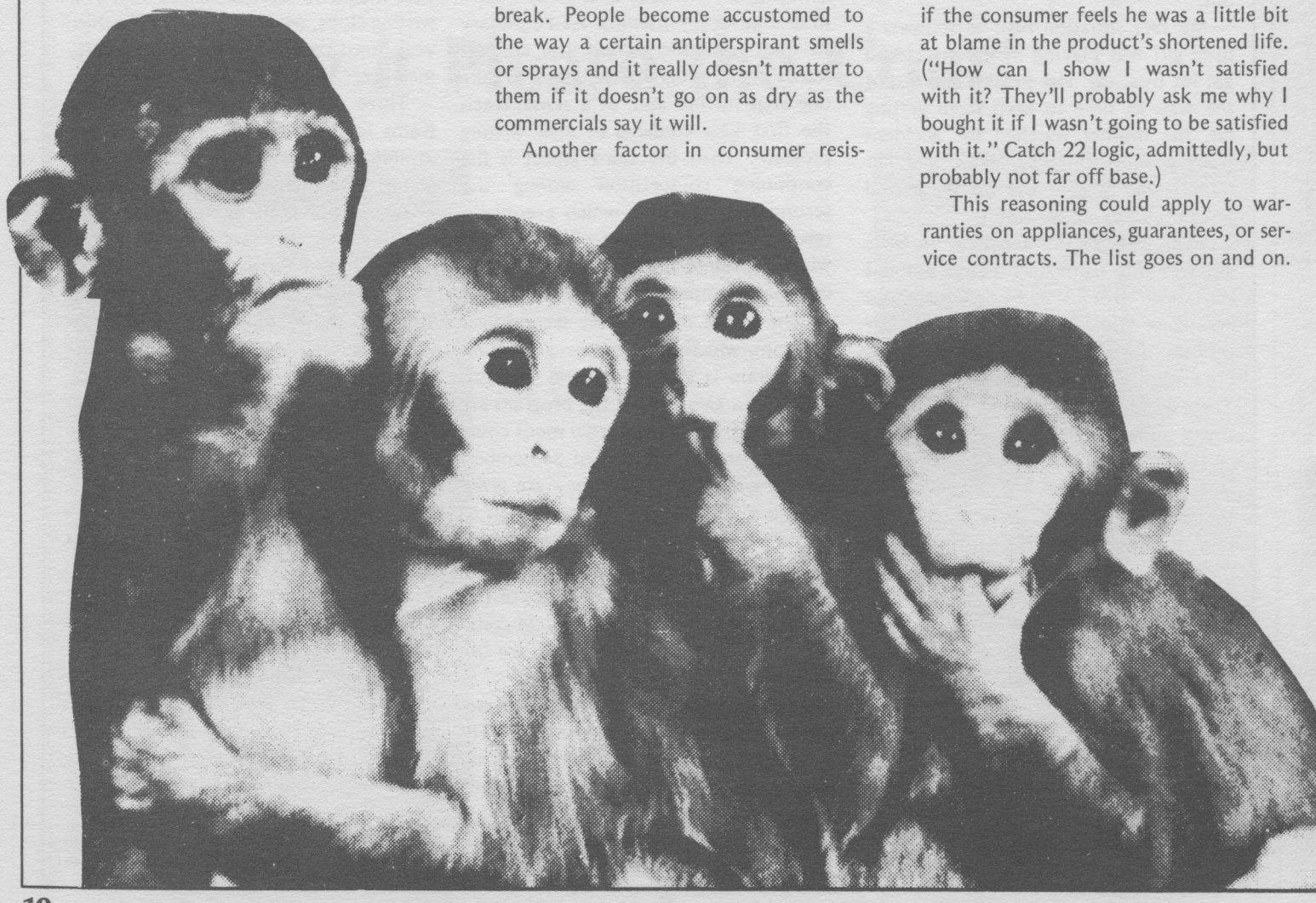
The first alternative is not as strong as it may seem, however. Consumer resistance, though undoubtedly a factor in producer decision making, does not always materialize. Brand habits are one reason. And brand habits are hard to break. People become accustomed to the way a certain antiperspirant smells or sprays and it really doesn't matter to them if it doesn't go on as dry as the commercials say it will.

Another factor in consumer resistance to products is the cost involved in resisting. For many, the "cost" of complaining, even where there is a legitimate grievance, is higher than the "cost" of absorbing the loss when the product does not meet reasonable expectations. The consumer rationalizes (particularly with high turnover items like those purchased in a grocery store). "The manager doesn't have anything to do with the fact that the Dry Ban is really wet, and it just isn't worth it to hurt his feelings or start a fight."

Even with the generally higher-priced products, the result can be similar, especially where the item is on sale. People feel embarrassed when they buy an "off-brand" and then try to take it back because it wore out sooner than it should have. "You get what you pay for," they reason, and by not complaining, they do just that.

Legal remedies, too, are ineffective if they aren't used. A product with a "money-back guarantee if not completely satisfied" might not be returned if the consumer feels he was a little bit at blame in the product's shortened life. ("How can I show I wasn't satisfied with it? They'll probably ask me why I bought it if I wasn't going to be satisfied with it." Catch 22 logic, admittedly, but probably not far off base.)

This reasoning could apply to warranties on appliances, guarantees, or service contracts. The list goes on and on.



The point is that even where the person has rights and knows his rights, he doesn't always exercise them because the "cost" is too high.

A tougher problem arises where the person doesn't know what his rights are. A consumer buys a mattress and it wears out after three years. He knows mattresses aren't supposed to be that short-lived, but reasons, "After all there were some small children jumping up and down on their mattress and maybe that makes me negligent or something, so I'd probably lose a lawsuit, so I won't even try."

There are also areas where people might be cheated and not even know it. For this reason, consumer education has been the order of the day. There is a new law which provides for consumer and career education beginning in elementary school. Children learn, for example, how to figure unit prices rather than buy the big box because it says "Large Economy Size." There is also the "Calling Captain Consumer" series on Educational TV that covers everything from taxes to mail orders.

But there are costs to intelligent buying. It is easier to pick up a certain brand of salad dressing because it's the cheapest (in label price but perhaps more expensive per ounce) than it is to mentally figure the per-ounce price. It is easier to buy a set of speakers because they're the prettiest and seem to sound a little better than it is to read the test results and find out what to look for. The search cost, then, is another real factor in buying.

After a while, one simply gets tired of balancing factors and costs and buys the first set of speakers he listened to or buys the cheese because America spells it K*R*A*F*T*. For this reason, many consumer groups are demanding unit pricing in the supermarket. The result may be more intelligent buying because it's easier to make an informed decision.

Many other sources, besides unit pricing, are available to today's consumer. Consumer Reports is a magazine published by an independent corporation which analyzes selected factors in consumer goods and gives advice on more efficient buying. "Consumer Survival Kit" is a program on public television that discusses similar issues. But the most influential source of consumer information today is the medium of advertising.

Billions of dollars are spent each year by parties with vested interests in influencing the consumer's decisions. Because of this nationwide advertising structure, individuals are exposed to new and different products designed to make their lives easier, their clothes brighter, and their sex lives more active. But some advertisers do not take this public trust with as much responsibility as might be desired. Some advertisers might even take advantage of the media to distort the truth or even lie in order to get the consumer's dollar.

Labelling this unscrupulous seller's activities "unfair competition," Congress created the Federal Trade Commission in 1913. Through the original act and subsequent amendments, the FTC has become the principal governmental agent for regulating "unfair, false, misleading, or deceptive acts or practices."

The FTC has been fighting Geritol, for example, for years, and with little success. Though they made Geritol stop advertising that it was a cure for "iron-poor, tired blood," the same message appears again and again: "If you want to feel better, and, (it implies) slow down your aging process, or at least do so more gracefully, use Geritol."

Not all advertisers are as persistent as Geritol, though. After an FTC order, Listerine, for example, has stopped implying that it is a cure for the common cold. The FTC has also made some headway in the area of children's advertising. Mattel was told to stop airing a commercial about a toy race car, in which the camera was speeded up, the voice-over told the children that ". . . it pops its chute at 200 miles an hour." Little more about children's advertising has been done, though, pending debate concerning FTC adoption of the National Association of Broadcasters Code provisions.

Surprisingly, the Supreme Court has done little in the area of consumer affairs. The one major case it decided involved only the narrow issue of whether props may be used in TV commercials without disclosing the fact that a prop was being used.

That case, decided in 1965, involved a commercial for Rapid Shave. The contention of the commercial was that Rapid Shave was so wet that it could

The Changing Face of Consumer Protection

'No consumer agency can act if the consumers are not able to recognize unfair acts when they see them.'

soften sandpaper for shaving. The obvious inferrence is that if Rapid Shave will soften sandpaper, it'll soften beards.

But due to the state of technology at the time, sandpaper would not show up on TV. Under the lights it looked just like a regular piece of paper. So Bristol-Meyers pasted sand to a plexiglass board and shaved that for the commercial (though it had actually proved in the laboratory that Rapid Shave would soften real sandpaper after soaking for about three hours.)

Bristol-Meyers was not lying. But they were "kidding just a little bit" when they aired this commercial. The Supreme Court agreed with the FTC in telling them to stop advertising in such a deceiving manner

Today's results of this decision have gone towards the ridiculous, however. In one antacid commercial, for example, animation is imposed over a man's stomach to show how the antacid works. Both on the screen and in the voice-over, the words "simulated demonstration" are used, on the theory that someone will be deceived into thinking the man's actual stomach is being shown.

This type of warning is not needed for something as obvious as the antacid commercial, but it is used. The warning is needed, however, where the attempt at deceit is blatant. Several record companies advertise, primarily on daytime and late-night television such soundalike offers as "The Super Hits of the Summer of '76." These offers often show a listing of the songs on their big, two-album set, and promise lyrics, pictures, and "as a special bonus, a giant Sweathogs poster."

No express warning is ever given, stating that the songs are not sung by the original artists. The closest approximation is a little statement concealed in the chatter that the songs are "sung by the Sandsifters," but that type of disclaimer may get by the person who hears the tag line "So you don't forget, mail by midnight tomorrow . . ."

The point is that the producers make their money from the sale of their products. Advertising helps make those sales. And even with such regulatory agencies as the FTC, unfair or deceptive advertising can still get through. One familiar type of deceptive advertising is known as the "bait and switch." Essentially, one product is advertised at a very low price, and when the customer comes to buy the product, he is dissuaded from buying it.

Until the advent of the Kentucky Consumer Protection Act in 1972, Kentucky was the "happy hunting ground" for con artists who would use such tactics as this bait and switch, according to Assistant Attorney General Robert Bullock. Since then, significant improvements have been made.

"I think the whole complexion of what we see is beginning to change," Bullock, a University of Kentucky Law Graduate of 1966, says. "We still have deceptive practices occurring, but they're not the old-fashioned, blatant type cons. The type of schemes that are now occurring may be more sophisticated. More complex, frankly.

"Today, Kentucky is not the 'happy hunting ground.' As a matter of fact, we've tried to pass the word among those who would earn their livelihood engaging in deceptive practices that there are 49 other states; that it would be to their advantage to try one of those other states and not try to come across the border into Kentucky.

'Kentucky's Consumer Protection Act is the broadest in the nation'

"I think we've had some effect along these lines. In talking to the individuals who try us occasionally, they indicate that they've heard we have a reputation for enforcing the Consumer Protection Act."

Kentucky's attempts to pass consumer legislation began in 1970, but a comprehensive consumer protection act was defeated by the Legislature and then-governor Louie B. Nunn. A "Citizen's Commission of Consumer Protection" was created, but was disbanded after less than two years because its efforts proved ineffective.

In the 1972 legislation, much of the current act was passed, giving the Attorney General and the private citizen wide discretion in prosecuting "false, misleading, or deceptive acts or practices." (The 1976 legislature added "unfair" to this list.) Technically, the Consumer Protection Act consists only of KRS 367.110-367.300, though the act has been supplemented by private remedial laws under the same chapter heading.

"The law that we passed in 1972," according to Bullock, "was probably the broadest Consumer Protection Act in the country, and it probably still is. We collect and compile consumer complaints—in effect, engage in a mediation process. Most states have something like that.

"It provides for our intervening before rate-making and regulatory bodies on behalf of the consumer. A few states have that."

"It provides for a state Consumer Advisory Council, which studies the need for laws, and recommends new ones. Very few states have that."

"It prohibits 'unfair, false, misleading, or deceptive acts or practices.' Most states have that now."

"It provides that we engage in Consumer Education. Very few states have that. Although some states have little bits and pieces, as I understand it, Kentucky is the only state that has all these pieces rolled up into one Consumer Protection Act. So, in that sense, we're fortunate."

Kentucky provides a toll-free Consumer Hotline to the Consumer Protection Division. The first step most people take is calling that number. Most complaints are resolved by this one phone call.

According to Bullock, the vast majority of the complaints his office receives do not involve unfair, false, misleading, or deceptive acts or practices. Most often, they involve contract disputes: a wrong color of carpet or furniture or the like.

"That's not necessarily an unfair or deceptive practice," Bullock said. "Somebody has miscommunicated, and as a consequence, the consumer feels that something wrong has happened.

"The unfortunate thing about those types of complaints," he continued "is that the consuming public does not readily identify the fraud from the non-fraud. We spend a great deal of our time explaining that a particular situation would not be appropriate to bring under the Consumer Protection Act."

Once it is decided that a case might have some merit, it goes to the Consumer Services Division. There, two non-lawyer consumer specialists under an assistant Attorney General screen the complaint for unfair, false, misleading, or deceptive acts or practices. If solid grounds for a case exist, it goes to Bullock.

If Bullock concludes that the act is appropriate, he assigns the case to a consumer fraud lawyer and a field investigator. If those people find sufficient evidence, they may take the case to court or receive assurance of voluntary compliance.

Where it is necessary to take the case to court, the Attorney General's office may demand a wide range of remedies, including restitution, injunctions, revocation of corporate charters, and even civil penalties for wilful violations of the Consumer Protection Act.

Consumer advocates are beginning to see the limitations of civil penalties, however. Criminal penalties were the first attempt at consumer protection in this country. This came around the turn of the century in the "Printer's Ink Statutes." That form of regulation was well before its time, though, because courts were not willing to prosecute white collar crimes and punish them with jail terms.

A new Kentucky statute (KRS 514.040), prohibiting "Theft by Deception" in some ways will return to that concept. David R. Vandeventer '72, head of the Consumer Protection Division for Jefferson County, said this statute has worked well in Jefferson County.

"I see no reason to apply civil penalties to the ripoff artist," Vandeventer said. "When you have someone who is not acting in good faith, you should have them arrested.

"One guy in Louisville was selling memberships in a health spa. He took the money, discounted to finance companies, and never built the spa. We used the theft by deception statute in this case."

Bullock has been trying to collect one civil judgment since 1972. He successfully prosecuted Glen Turner and "Dare to Be Great" (essentially a pyramid investment scheme) shortly after the present Consumer Protection Act was passed. But due to the nature of the law, collection has necessitated court battles ever since. A criminal statute would have eliminated some of this problem, he said.

Another area where there has been some concern is the inadequacy of a remedy where either the Consumer Protection Act does not apply, or the amount in controversy is not sufficiently high to justify private use of the court system. Jon Pancake is a third-year law student and law clerk assigned to the Kentucky Consumer Protection Division. His duties have included the drafting of some of the Small Claims Court legislation, recently passed by the Special Legislative session. His experience in the consumer office, he says, has demonstrated the need for such a court.

'We have met the consumer and he is us.'

"A woman called me on the hot line once," Pancake said. "She had contracted with a man to add a porch to her house. He'd done about half of her work and had just left. She went to one of the attorneys in that county and he had taken between $100 and $200 to get the job done. The attorney talked to the man and never got any relief for her and then said, 'I can't do anything else for you.'

"So she's out the money she spent for the guy to build the porch. She's out the money that she spent with the lawyer. And she still hasn't gotten relief. And there's nothing we can do because it involves a private dispute between her and the man that she contracted with."

The new small claims division is one answer. It is to come into existence by the first Monday in 1978. With a jurisdictional limit of $500 and provision for, but no requirement of, representation by counsel, the court will provide relief where it was otherwise impractical.

The small claims court is probably the most effective consumer tool available today in the 34 states which have it. Court costs are lower, the amount in controversy can be lower, and the procedures are very informal. And as long as finance companies are not allowed to use it as a collection agency (a practice which the Kentucky law prohibits) the court can provide effective relief.

A similar court has been used in Jefferson County since 1974. According to Vandeventer, he went to Louisville, convinced a county judge to set up the Small Claims Court, and tried hundreds of cases the first year. He then took his idea to the General Assembly, but it was not to materialize on the state level until the recent session.

But no consumer agency or court can operate if the consumers of the state do not know about them, or if they are not able to recognize unfair acts when they see them. Consumer advocates emphasize that showing people where problems may arise might avoid some trouble before it starts. One way of showing people these areas is through consumer education, as was authorized by the 1974 legislature.

"The Department of Education didn't want the 1974 Consumer Education Bill," Bullock said. "Since the bill passed, they have tried to integrate consumer education into their regular schedule. The consumer council has tried to get a mandatory one-half credit hour into the schedule but failed. Until we make it mandatory, we're merely flapping our wings."

"If it is anything other than manda-

tory," Vandeventer said, "it will be inherently ineffective. The people who need it the most just won't use it."

In this area, too, Vandeventer has conducted some experiments in Jefferson County that might prove beneficial to the rest of the state. This experiment involves use of the comic book to convey the message. The appearance of Vandeventer's comic book is deceptive. Its ten stories, drawn primarily in the underground comic book style, use characters ranging from Helga the Hen to Vincent the Teabag. Its message, however, comes across loud and clear: if the consumer doesn't know the law, he won't use it. And if you don't put it in a form which the consumer will read, the consumer will never know his rights.

"It's been our observation that people who most need consumer information need it in a form which they can readily use and in a form that will stay with them. This comic book is very easily understood and easy to recall," according to Vandeventer.

This message reminds one of the Quaker Life cereal commercial. You know, the one that has "Mikey" eating the cereal because he doesn't know it's supposed to be good for him. Or Bill Cosby beginning his cartoon show by saying, "you better watch out, or you just might learn something."

"The comic book is a lot more sophisticated than it would appear at first," Vandeventer said. "The stories were selected very carefully to reflect the problems which are most common among those consumers with lower incomes, lower education.

"That's been the intent, and so far, it's been accomplished very well."

Several of the stories involve financing of one form or another. Others cover more general Kentucky Consumer Law.

"Mail Order Blues" depicts a family joining record and book clubs. The problems this family finds encourages the reader to consider the average price, finance charges, and the like before sending away for "Four books free, ten more at the regular price."

Another story explores the problems of correspondence-trade schools. It stars Toad, who, "in an effort to support his wife and 256 unplanned-for kids, has gone into the world to get a job."

Yet another story presents the three-day "cooling-off" period, a part of Kentucky door-to-door sales law few people are familiar with.

This experiment was first conducted last year in Wisconsin, but Jefferson County is the first in the nation to distribute the comics on such a wide scale. Ten thousand copies were printed and distributed to children in the Jefferson County schools. A consciousness study is presently being done. The results of this study will be compared with studies to be made after the program has been taught in the schools to determine the comic book's effect.

Efforts such as this comic book, the small claims court, and Consumer Protection Agencies in state governments are part of the nationwide trend toward providing remedies for the consumer and then apprising him of his rights. It is an infant field, however, and the things such consumer advocates as Vandeventer and Bullock try today will probably be taken for granted in the future.

"Consumer protection is sometimes described as a 'movement'" Vandeventer said. "I don't think of it as a structured movement, but more of a flowing thing. And the public attitude is beginning to change, too.

"They used to describe us consumer guys as communists and activists, but today the stereotypes don't fit. Look at Bob Bullock. He makes John Boy Walton look like a bomb-throwing radical."

The present trend toward consumer protection began in the mid-1960's. It has stressed product safety and fairness through governmental intervention. The results include small claims courts, consumer legislation, and mandatory safety devices on automobiles. But continued success of these interests will depend on their costs in practice. If people feel it "costs" too much to wear seatbelts, they simply will not do so. And the goals for which consumer advocates have fought may become merely fads from our decade, an anachronism in the next decade.

But there is another point of view. It is that the consumer, once aware of the efficacy of his actions, will not be satisfied with those achievements of the present, but will push for more improvements in the products and services he is given.

It should be a very interesting thing to watch.

About the author:

Bruce W. Singleton is a second-year law student. His column, "Consumer Focus" appears every Friday in "The Kentucky Kernel," UK's student newspaper. Much of the text of this article first appeared in that column.

Faculty Report

Continued from page 5

ing the fall or early winter in the *Boston College Industrial* and *Commercial Law Review*. He gave a presentation on *The Creation and Perfection of Article Nine Security Interests* in a CLE program sponsored by the College of Law and the Kentucky Bar Association and held this spring. He was also on the planning committee for this program. He attended a two and one half day ALI-ABA program concerning Bank Defense of Negotiable Instrument Cases held this November. He is currently working on a commercial law article for the Kentucky Law Journal's Survey of Kentucky Law.

GERALD ASHDOWN has recently completed *Gertz and Firestone: a study in constitutional policy-making*, to be published in Vol. 61, *Minnesota Law Review*, in March, 1977.

KENNETH B. GERMAIN has published, or has in the works, the following articles; and is working on another article on *Remedies* for the *Kentucky Law Survey:*

Remedies (Kentucky Law Survey), 63 *Kentucky L.J.* 777 (1975).

Trademark Registration Under Sections 2(a) and 2(e) of the Lanham Act: The Deception Decision, 44 *Fordham L. Rev.* 249 (1975), *reprinted* in 66 *Trademark Reporter* 97 (1976).

Remedies (Kentucky Law Survey), 64 *Kentucky L.J.* 233 (1976).

Transylvania's Heritage

The Old Law Library

by Betsy Browning

On the third floor of Transylvania University's Frances Carrick Thomas Library are ranks of shelves of leather-bound volumes with yellowing pages and old English print. These elegant and elaborate books are the carefully guarded heritage of Transylvania University's Law Department.

Transylvania's law school, organized in 1799, was the second permanent law school in the United States. This is particularly unique since Lexington was only a few years from the frontier.

When Transylvania's law school was founded, William & Mary had the only other law school in the young country. The founder, George Nicholas, was educated at William & Mary, where he studied law under George Wythe. Nicholas, an outstanding Virginia lawyer, served in the Virginia legislature and was active in drafting the Kentucky Constitution. William & Mary and Transylvania were the only permanent law schools in the United States from 1799 to 1817.

Perhaps Henry Clay was Transylvania Law School's most famous teacher. From 1805-1807, he was head of the Law Department, and remained a member of the Board of Curators for the rest of his life. It was Clay who solicited the gift from Colonel Morrison which made the classic Shryock building, "Old Morrison," a reality. The years from 1800 to 1830 were golden years for Transylvania University as a whole, as well as the law school. The total enrollment in the academic, legal, medical and scientific departments exceeded that of Harvard and Yale, and Transylvania was one of the distinguished universities in the country. The Law Department was unique, with 44 students and 17 graduates in 1823—at a time when law school was not usual, nor required for the practice of law. The Law Department had, over the years, a long list of distinguished graduates—including Justice John M. Harlan of the Supreme Court, a member of the class of 1853.

Mrs. Arthur J. Bryson, Special Collections cataloguer, Frances Carrick Thomas Library, Transylvania University.

THE LAW LIBRARY . . .

The early law library, a collection dating from 1799, was destroyed when the main building of Transylvania burned in 1829. Apparently this was such a loss to the area that the City of Lexington contributed $5,000 toward the purchase of books. In 1839, the Law Library included a complete set of English Reports, the reports of the United States Supreme Court, and the principal State Reports, making it one of the broadest law libraries in the country.

Among the unusual books still on the shelves are folios on English law inscribed on the fly leaf "from His Britannic Majesty, William IV," ". . . to be preserved perpetually in the library of Transylvania University." Much of this famous Transylvania "Old Library" still exists, and is open to the interested public.

Continued next page

AFTER THE CIVIL WAR . . .

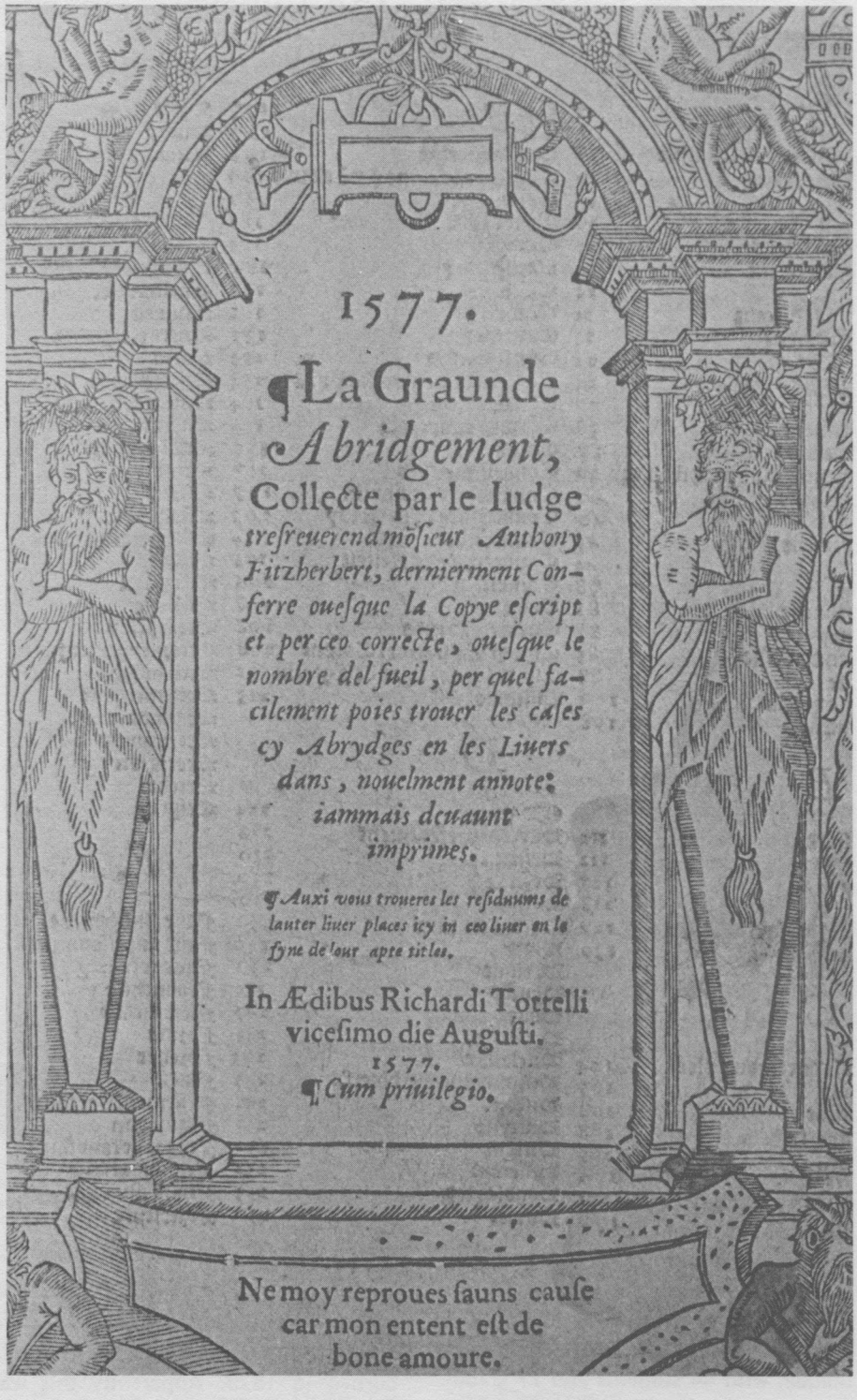
The law school never recovered—although it continued to train fine lawyers. Transylvania's buildings were appropriated by the Union Army for a hospital, leaving the Law and Medical Schools literally closed.

Post 1865, the Law Department opened and closed sporadically. In 1906, the faculty included:

Lyman Chalkley, Dean and Professor of Common and Statute Law
John T. Shelby, Pleading
John R. Allen, Constitutional Law, Evidence
Judge J. R. Morton, Wills, Torts
Judge J. H. Hazelrigg, Corporations
Judge Matthew Walton, Commercial Law
Charles J. Bronston, Criminal Law and Procedure
George S. Shanklin, Real Estate
Charles Kerr, Equity
George R. Hunt, Agency and Domestic Relations
Butler T. Southgate, Bills, Notes, and Cheques

Other law professors from 1906 to 1912 were: J. Nathan Elliot, James R. Bush, J. Embry Allen, Maury Kemper, John B. Shannon, Andrew Steele Moore, Hogan L. Yancey, John T. Vance, Henry T. Duncan, Jr., Colonel Rogers Clay, Dr. Thomas C. Holloway, William Worthington, Allen P. Gilmore, Henry R. Newton, Judge Watts Parker, and Samuel Mackay Wilson.

In June of 1912, the Board of Curators voted to suspend classes in the Law Department, since there was no need for two law schools in Lexington, and the University of Kentucky College of Law was in full operation. Many faculty members, including Dean Chalkley, joined the University of Kentucky law school, and brought this distinguished scholarly heritage with them. Today, in 1977, only the remnants of the elegant law library remain, mutely reminiscent of Henry Clay, Justice Harlan, and their compatriots—who debated and laughed in Transylvania's echoing, stately halls so long ago.



Dates of early law schools in the United States . . .

1779—College of William and Mary (tuition payable by 1,000 pounds of tobacco.)
1799—Transylvania University
1817—University of Pennsylvania
1817—Harvard College
1824—Columbia University
1826—Yale College
1833—Cincinnati Law School, forerunner of the University of Cincinnati College of Law.

Law School Fund Drive Begins

After a long and intensive planning period, the College of Law Alumni Association Board of Directors has announced the initiation of an organized annual-giving appeal to be conducted in cooperation with the UK Annual-Giving Program. The College of Law Fund's objective is raising unrestricted monies annually for current operational needs of the College of Law.

The University administration and its Development Office have given support and encouragement to this fund raising effort and have made Jim Snyder, the University's Director of Annual-Giving, available as a consultant to the Board. Through his cooperation, UK law alumni will not receive UK Annual Fund solicitations during this first year of the College of Law Fund. They will instead receive College mailings introducing this new opportunity of designating annual University gifts for the College of Law.

This Fund has a long organizational history. Former Law Alumni Association Presidents Tom Brabant '60 and Fred Nichols '51 and current President Norma Adams '53, years ago recognized the special needs for private giving to the College of Law and have worked tirelessly to clear University channels for this effort.

	Total Enrollment	Operating Budget	%State Funds
University of Florida	1,022	$1,700,000	86%
University of Georgia	672	$1,083,332	96%
UNIVERSITY OF KENTUCKY	**480**	**$ 785,000****	**100%**
University of Mississippi	580	$1,389,000	64%
University of North Carolina	650	$2,231,000	98%
University of Tennessee	650	$1,400,000	90%
University of Virginia	1,000	$1,650,000	91%
West Virginia University	329	$ 551,407	80%

**Does not include $145,000 library budget or Continuing Legal Education budget. 1974 figures. Source: Georgia Legislative Research Commission.

The need for private support of the UK College of Law has become pressing over the last decade. The College is, unfortunately, unique among comparable Southern law schools—public and private—in that it has had to rely on state funding for all of its budgetary needs. The last decade has brought new competition for public dollars available for legal education in this state, and the result has been that the UK College of Law has become less able to compete as the quality legal institution it tradition-

ally has been. Lack of adequate funding across the board has been the lament of all recent and acting Deans.

Some of the results of a survey done in 1974 by the Georgia Legislative Commission show how UK College of Law has stacked up in recent years with comparable Southern law schools with respect to private funding: **See preceeding page.** To put this in perspective, consider that from the above percentages, the amount Tennessee got from private sources in 1974 (10% of its operating budget) was approximately $140,000. Virginia got 9% or about $148,000; Florida 14% or approximately $295,000, and Ole Miss got 36% of its budget from private sources, or a half million dollars annually.

Private funding is important to a publicly-assisted law school for many reasons. One that is most urgent for the University of Kentucky is the need for unbudgeted funds available to the Dean for meeting unexpected current needs. Also, opportunities develop and needs exist for which state funds simply can't be used—to purchase a collection of rare books that suddenly become available, for example—and the existence of unrestricted private dollars would insure the ability to seize those opportunities.

Public funding at best can only provide for basic needs to be met—and, as competition for the legal education dollar in Kentucky increases, even the basics for a quality institution are not guaranteed. UK College of Law faculty salary schedules need to have private support funds infused to attract and keep accomplished teachers and scholars. Private funding can also provide the margin of excellence that quality law schools must have to support curriculum innovation, provide adequate library acquisition funds, and permit the expansion of vital services like continuing legal education and placement of graduates.

Appeals for designated support by other UK Colleges through the University Annual-Giving program have been effective. The chart below shows how the College of Law ranked in 1975 designated giving.

DESIGNATED GIFTS TO UNIVERSITY COLLEGES, 1975*

Medicine	551,000.
Engineering	99,230.
Dentistry	98,047.
Agriculture	48,832.
Business	26,552.
Arts and Sciences	20,859.
Law	**7,884.**
Pharmacy	7,815.
Home Economics	6,585.
Education	2,294.
Allied Health	1,995.
Architecture	705.
Library Science	320.
Social Professions	155.

*Source: 1975 University of Kentucky Annual-Giving Fund report.

The UK College of Law is the principal law school of Kentucky. Its lineage (which can be traced from a distinguished ancestor, the old Transylvania Law School,) makes it a proud possessor of one of the oldest traditions of quality legal education in the country. Insuring that quality for the future will require an infusion of both new endowment and annual-giving support. The College of Law Fund will provide that support. It will help fight today's brush fires. It is a beginning.

FUND DETAILS

The principal aim of the College of Law Fund is to raise undesignated annual support for the College to be used "where the need is greatest". Donors

will have the opportunity to designate particular areas of concern, however. The goal for this first Fund year (January 1, 1977-December 31, 1977), as established by the Law Alumni Association Board of Directors, is $50,000. Fred Nichols '51 will serve as National Chairman. A special booklet announcing the Fund and detailing giving opportunities will be sent to all alumni and friends of the College of Law within the next two months. Some alumni have asked about making early leadership gifts and pledges to assist the kick-off effort, and a good possibility exists that a report of these can be mailed with the brochure.

This Fund effort may suffer from a lack of perfect organization this first year, but it appears to lack nothing in volunteers' enthusiasm. It should be an exciting campaign.

Arloe W. Mayne '51 and John D. McCann '68 will be recruiting and working with class chairmen for those classes that wish to organize for this Fund drive, and Fred Nichols and Charles English '60 will be doing the same for area chairmen. A report of efforts to date will be presented at the Annual Alumni Banquet to be held at the Kentucky Bar Association meeting in May and a final report published in the Spring, 1978 edition of The Review.

Friends interested in knowing more about Fund giving opportunities, or who would like to volunteer their efforts in the campaign should contact the College's administrative liaison, Mr. Carroll D. Stevens, Special Assistant to the Dean, Room 231 Law Building, Lexington, Kentucky 40506, 606/257-2825.

In Appreciation

Upon retiring from the United States Supreme Court in early 1957, Justice Stanley F. Reed was honored by a group of his former law clerks, with the establishment of a Law Library Fund in Justice Reed's name at the law school of his choosing. Justice Reed, a native of Mason County, Kentucky, though a law alumnus of Yale University, chose the University of Kentucky as the beneficiary of this fund. (The Justice went on to donate much of his personal library to the College on Law Day, 1957.)

The Stanley F. Reed Book Fund continues to be supported annually by the Justice's former law clerks, a group of noted attorneys, members of the bench, and government officials. The College of Law wishes to extend a special note of appreciation to those who have so faithfully supported this Fund. Those who contributed in 1976, and for whose generosity the College is continually grateful, are:

Frederick A. Allan
Max Asbill, Jr.
Joseph Barbash
Manley O. Hudson, Jr.
Byron E. Kabot
Joel A. Kozol
David M. Becker
L. E. Birdzell, Jr.
Theodore R. Boehm
Bennett Boskey
Gordon B. Davidson
Earl F. Dudley, Jr.
Timothy B. Dyk
John D. Fassett
Harold B. Finn
C. Boyden Gray
Lewis D. Green
David G. Hanes
Roderick M. Hills
Harold Leventhal
Christopher R. Lipsett
Bayless Manning
George B. Mickum, III
William D. Rogers
Arthur I. Rosett
John T. Sapienza
David Schwartz
John B. Spitzer
Robert B. vonMehren
E. G. Weiss
Edwin M. Zimmerman

A Special Thanks

As a forerunner to the initiation of the first annual College of Law fund drive—described elsewhere in this issue—the Colleges wish to thank all those who, over the years and unsolicited, have supported the College of Law through the University of Kentucky Annual-Giving Program. Though no organized appeal has ever been made, the total amounts given to the College, the number of donors, and the average gifts have all increased every year since the University Annual-Giving Program began in 1972.

The final 1976 tally was not available at press time, but our records indicate that when the smoke clears, that over 100 donors will have contributed a total of over $11,000, and the average gift will be in excess of $110.

Those of you who have designated your gifts to the 1976 UK Annual-Giving Fund for the College of Law are listed below. We are most grateful and in this small way honor those who felt the College worthy of their personal support. In this, our first year of gift record-keeping independent of the University Development Office, errors are possible. If we have inadvertently goofed, please let us know.

University Fellows

Thomas P. Bell '50
Thomas C. Dawson '72 and Mrs. Dawson
Peter D. Giachini '32
Arloe W. Mayne '51
Roy R. Ray '28 and Mrs. Ray
W. B. Terry

University Sponsors

Jude P. Zwick '60

The Hundred Club

Arthur E. Abshire '57
Boyd L. Bailey '26
A. S. Cagle '50
Henry C. Cox '29
Jack F. Durie, Jr. '69
Thomas B. Givhan '51
Robin Griffin '51
John K. Hickey '48 and Mrs. Hickey
Harold K. Huddleston '56
Thomas L. Jones '61 and Mrs. Jones

Continued next page.

A Special Thanks

Kathleen Friend Lackey '69
Richard T. Linn '49
Thomas P. Lewis '54
Dianne L. McKaig '54
Mr. & Mrs. Norman Mumaw
Roy R. Ray '28 and Mrs. Ray
Howard E. Trent, Jr. '41

Honor Roll of Contributors

Anne N. Awtrey '46
James E. Banahan '48
George E. Barker '49 and Mrs. Barker
Col. Charles R. Burton'50
Robert L. Caummisar '67
John J. Chewning '64 and Mrs. Chewning
John K. Clarke '73 and Mrs. Clarke
Marvin L. Coan '73
Lawrence J. Cutler '70
S. Joseph Dawahare '73
Harry P. Dees '35
Charles L. Douglas
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Adolph M. Edwards, Jr. '29
Jo M. Ferguson '37
Elmer J. George '69
John R. Gillespie '49 and Mrs. Gillespie
Stephen D. Gray '70 and Mrs. Gray
Milliam Robert Hamlin '66
William R. Harris, Jr. '67
Michael J. Harrison '70
Lee W. Harvath '70
Gary L. Herfel '69 and Mrs. Herfel
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Michael A. Hurter '70
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James M. Miller '73
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Judge Earl T. Osborne '50
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J. David Rosenberg '74
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Carlyle W. Schuermeyer '32
Nelson E. Shafer '59
Col. Elizabeth R. Smith, Jr. '50
John E. Smith '63
Robert J. Smith '69
G. D. Sparks '72
Carroll D. Stevens '76
John H. Stites, III '74
Alec G. Stone '67 and Mrs. Stone
Arnold S. Taylor '65
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May It Please

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those competitions.

I think it's unfortunate that we have to pass up these opportunities. I've talked to Dean Lewis and Dean VanBooven, and we've come to an agreement. They recognize that we need more money and I recognize that they don't have any to let us have.

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